

REMARKS

Claims 1-25 are pending in this application.

The Office Action dated March 9, 2005, has been received and carefully reviewed. In that Office Action, claims 1-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of DuMouchel and further in view of Matsuda. Claims 17-25 are indicated to be rejected, but no separate basis for rejecting these claims is provided. The examiner confirmed by telephone that the Office Action should have referred to all claims 1-25 rather than to claims 1-16. This Reply therefore addresses the rejection of claims 1-25 under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of DuMouchel and further in view of Matsuda.

Applicant argued in response to the previous Office Action that a *prima facie* case of obviousness had not been presented. Applicant's arguments on this issue were not addressed in the current Office Action because, as stated in the Office Action, "they are moot in view of the new grounds of rejection." However, the "new grounds of rejection" are substantially the same as the old grounds of rejection -- they merely add one new reference. The same arguments regarding the combination of Cannon and DuMouchel apply to the first rejection and the present rejection. It is therefore respectfully requested that the examiner address these arguments as required by MPEP 707.07(f) in a further, non-final Office Action or allow the pending claims.

Specifically, and as previously argued, the Office Action acknowledges that Cannon does not disclose summary data generation means for generating summary data. However, the Office Action asserts that Cannon shows "manager means for storing ... information data ... and the summary data generated by the summary data generation means in correspondence." Applicant again submits that if Cannon does not show summary data generation means, Cannon cannot logically show the manager means required by claim 1. In other words, if Cannon does not generate summary data, Cannon cannot have manager means that operate on the (nonexistent) summary data. These arguments were presented in the previous Reply and are maintained herein. The rejection is logically inconsistent and does not make a *prima facie* showing of obviousness. Once a *prima facie* showing of obviousness is made, Applicant will respond and distinguish the claimed invention over the prior art.

The newly cited reference to Matsuda discloses a device for retaining important data on a preferential basis. However, Matsuda does not address the problems with combining Cannon and DuMouchel discussed above. Therefore, it is respectfully submitted that combining Matsuda with previously applied Cannon and DuMouchel does not constitute a *prima facie* showing of obviousness in connection with claim 1.

Claims 2-12 depend from claim 1 and are submitted to be allowable for the same reasons as claim 1.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of DuMouchel and further in view of Matsuda. As argued in the previous Reply, claim 13 requires, *inter alia*, "an organization step storing in correspondence said information data ... and said summary data." The Office Action acknowledges that Cannon does not include a summary data generation step. However, the Office Action asserts that Cannon shows a step of storing in correspondence information data and summary data, even though Cannon does not generate summary data. This rejection is logically inconsistent and does not present a *prima facie* case of obviousness. These same arguments were presented in the previous Reply and have not been addressed. It is respectfully requested that the examiner address these arguments in a further, non-final Office Action or allow claim 13.

The newly cited reference to Matsuda discloses a device for retaining important data on a preferential basis. However, Matsuda does not address the problems with combining Cannon and DuMouchel discussed above. Therefore, it is respectfully submitted that combining Matsuda with previously applied Cannon and DuMouchel does not constitute a *prima facie* showing of obviousness in connection with claim 13.

In rejecting claims 14, 15 and 16 the Office Action indicates that Cannon discloses an organization step that stores information data in correspondence with summary data, even though Cannon does

not disclose a summary data generation step. For the reasons provided above in connection with claims 1 and 13, it is respectfully submitted that this rejection is logically inconsistent and does not present a *prima facie* case of obviousness. The addition of the Matsuda reference does not overcome the above inconsistency. These same arguments were raised in the previous Reply and have not been addressed. It is respectfully requested that a new, non-final Office Action be issued in which the above arguments are addressed or that claims 14-16 be allowed.

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of DuMouchel and further in view of Matsuda. Claim 17 is submitted to be allowable for at least the reasons provided above in connection with claim 1.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of DuMouchel and further in view of Matsuda. Claim 18 is submitted to be allowable for at least the same reasons provided above in connection with claim 13.

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of DuMouchel and further in view of Matsuda. Claim 19 requires, *inter alia*, a step of generating first summary data for first data and second summary data for second data which step is not shown or suggested by the art of record. Claim 19 and its dependent claims 20-25 are submitted to

be allowable over the art of record for at least this reason.

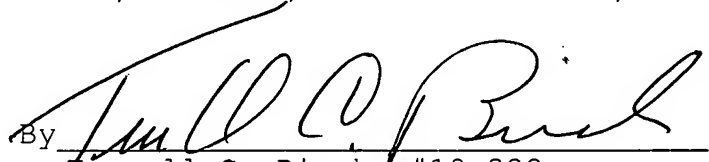
Each issue raised in the Office Action dated March 9, 2005, has been addressed, and it is believed that claims 1-25 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Terrell C. Birch, #19,382

TCB/STW
0033-0792P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000